

AMENDMENTS TO LB 962

(Amendments to Standing Committee amendments, AM2733)

1                   1.       Strike original section 99 and insert the following  
2 new sections:

3                   "Sec. 99.   Section 81-15,172, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5                   81-15,172.   The board shall annually elect a chairperson  
6 from among the citizen members.   The board shall meet at least  
7 quarterly, ~~and~~ may meet more often at the call of the chairperson  
8 or the request of any three members, and may hold meetings by  
9 teleconference as necessary subject to section 84-1411.

10                  Sec. 100.       Section 81-15,173, Revised Statutes  
11 Supplement, 2002, is amended to read:

12                  81-15,173.    The board shall have and may exercise the  
13 following powers and duties:

14                  (1) Adopt bylaws to govern the proceedings of the board;

15                  (2) Keep records, conduct hearings, and adopt and  
16 promulgate rules and regulations to carry out its duties and  
17 implement the Nebraska Environmental Trust Act;

18                  (3) Contract with the Game and Parks Commission for  
19 administrative support; ~~and with governmental agencies for~~  
20 ~~technical assistance;~~

21                  (4) Contract with governmental and private agencies to  
22 receive technical assistance and services;

23                  (5) Contract with governmental and private agencies to

AM2785  
LB 962  
MHF-02-24

AM2785  
LB 962  
MHF-02-24

1 provide technical assistance and services;

2           (6) Establish environmental ~~priorities~~ categories for use  
3 of the funds and develop an appropriate rating system for each  
4 category;

5           ~~(5)~~ (7) Establish ad hoc advisory boards and  
6 subcommittees;

7           ~~(6)~~ (8) Sponsor or assist environmental proposals  
8 pertaining to the environmental ~~priorities~~ categories of the board,  
9 including issuing grants to agencies, organizations, and persons  
10 engaged in the purposes of the trust;

11           ~~(7)~~ (9) Cooperate with or assist any unit of the state,  
12 any political subdivision, or any private, public, or federal  
13 agency, foundation, or person in furtherance of the purposes of the  
14 trust;

15           ~~(8)~~ (10) Acquire and dispose of personal property in  
16 furtherance of the purposes of the trust; and

17           ~~(9)~~ (11) Apply for or accept any gift, grant, bequest,  
18 royalty, or donation, designate the fund to which it will be  
19 credited, and expend the proceeds in furtherance of the purposes of  
20 the trust.

21           Sec. 101.           Section 81-15,175, Revised Statutes  
22 Supplement, 2002, is amended to read:

23           81-15,175.       (1) The board may make an annual allocation  
24 each fiscal year from the Nebraska Environmental Trust Fund to the  
25 Nebraska Environmental Endowment Fund as provided in section  
26 81-15,174.01. The board shall make annual allocations from the  
27 Nebraska Environmental Trust Fund and may make annual allocations

1 each fiscal year from the Nebraska Environmental Endowment Fund for  
2 projects which conform to the environmental ~~priorities~~ categories  
3 of the board established pursuant to section 81-15,176 and to the  
4 extent the board determines those projects to have merit. The  
5 board shall establish ~~an annual calendar~~ a calendar annually for  
6 receiving and evaluating proposals and awarding grants. To  
7 evaluate the economic, financial, and technical feasibility of  
8 proposals, the board may establish subcommittees, request or  
9 contract for assistance, or establish advisory groups. Private  
10 citizens serving on advisory groups shall be reimbursed for their  
11 actual and necessary expenses pursuant to sections 81-1174 to  
12 81-1177.

13 (2) The board shall establish a ~~rating system~~ rating  
14 systems for ranking proposals which meet the board's environmental  
15 ~~priorities~~ categories and other criteria. The rating ~~system~~  
16 systems shall include, but not be limited to, the following  
17 considerations:

18 (a) Conformance with ~~priorities~~ categories established  
19 pursuant to section 81-15,176;

20 (b) Amount of funds committed from other funding sources;

21 (c) Encouragement of public-private partnerships;

22 (d) Geographic mix of projects over time;

23 (e) Cost-effectiveness and economic impact;

24 (f) Direct environmental impact; and

25 (g) Environmental benefit to the general public and the  
26 long-term nature of such public benefit.

27 (3) The board may establish a subcommittee to rate grant

AM2785  
LB 962  
MHF-02-24

AM2785  
LB 962  
MHF-02-24

1 applications. If the board uses a subcommittee, the subcommittee  
2 shall (a) use the rating ~~system~~ systems established by the board  
3 under subsection (2) of this section, (b) assign a numeric value to  
4 each rating criterion, combine these values into a total score for  
5 each application, and rank the applications by the total scores,  
6 (c) recommend an amount of funding for each application, which  
7 amount may be more or less than the requested amount, and (d)  
8 submit the ranked list and recommended funding to the board for its  
9 approval or disapproval. A motion to deviate from the  
10 subcommittee's recommendations must specify the reason for doing so  
11 and be adopted with an affirmative vote of not fewer than eight  
12 members of the board.

13 (4) The board may commit funds to multiyear projects,  
14 subject to available funds and appropriations. No commitment shall  
15 exceed three years without formal action by the board to renew the  
16 grant or contract. Multiyear commitments may be exempt from the  
17 rating process except for the initial application and requests to  
18 renew the commitment.

19 (5) The board shall adopt and promulgate rules and  
20 regulations and publish guidelines governing allocations from the  
21 fund. The board shall conduct annual reviews of existing projects  
22 for compliance with project goals and grant requirements.

23 (6) Every five years the board may evaluate the long-term  
24 effects of the projects it funds. The evaluation may assess a  
25 sample of such projects. The board may hire an independent  
26 consultant to conduct the evaluation and may report the evaluation  
27 findings to the Legislature and the Governor.

1                   Sec. 102.           Section 81-15,176, Revised Statutes  
2 Supplement, 2002, is amended to read:

3                   81-15,176.   (1) Subject to subsection (3) of this  
4 section, the board shall establish environmental ~~priorities~~ for  
5 categories of projects eligible for funding by the trust. The  
6 board, after allowing opportunity for public comment, shall  
7 designate as ~~priorities~~ categories those environmental goals which  
8 most affect the natural physical and biological environment in  
9 Nebraska, including the air, land, ground water and surface water,  
10 flora and fauna, prairies and forests, wildlife and wildlife  
11 habitat, and areas of aesthetic or scenic values. In designating  
12 environmental ~~priorities~~ categories, the board shall attempt to  
13 focus on the areas which promise the greatest opportunities for  
14 effective action to achieve and preserve the future environmental  
15 quality in the state. The board shall establish ~~priorities~~  
16 categories for five-year periods beginning July 1, 1995. The board  
17 may establish annual priorities within the five-year categories.   
18 ~~except that the board may make annual modifications to refine and~~  
19 ~~clarify its priorities.~~ The board shall provide for public  
20 involvement in developing the ~~priorities~~ categories for such  
21 five-year periods, ~~including~~ and any priorities within these  
22 categories, including, but not limited to, public meetings in each  
23 of the three congressional districts.

24                   (2) The board shall establish criteria for determining  
25 the eligibility of projects for grant assistance, which criteria  
26 shall include the following:

27                   (a) The grants shall not provide direct assistance to

AM2785  
LB 962  
MHF-02-24

AM2785  
LB 962  
MHF-02-24

1 regulatory programs or to implement actions mandated by regulations  
2 except remediation;

3 (b) No more than sixty percent of grant allocations in  
4 any year shall assist remediation of soils or ground water, and no  
5 grants for this purpose shall occur unless all other available  
6 sources of funding are, in the opinion of the board, being  
7 substantially utilized;

8 (c) The grants shall not pay for projects which provide  
9 primarily private benefits or relieve private liability for  
10 environmental damage;

11 (d) The grants shall not pay for projects which have  
12 direct beneficiaries who could afford the costs of the benefits  
13 without experiencing serious financial hardship;

14 (e) The grants should assist those projects which offer  
15 the greatest environmental benefits relative to cost;

16 (f) The grants should assist those projects which provide  
17 clear and direct environmental benefits;

18 (g) The grants should assist those projects which will  
19 make a real contribution to achieving the board's environmental  
20 ~~priorities~~ categories;

21 (h) The grants should assist those projects which offer  
22 the greatest public benefits; and

23 (i) The grants shall not pay for land or easements  
24 acquired without the full and express consent of the landowner.

25 (3) Until the first five-year ~~priorities~~ categories  
26 become effective on July 1, 1995, the board shall observe the  
27 following ~~priorities~~ categories for allocating grants:

AM2785  
LB 962  
MHF-02-24

AM2785  
LB 962  
MHF-02-24

1           (a) Critical habitat areas, including wetlands  
2 acquisition, preservation, and restoration and acquisition and  
3 easements of areas critical to rare or endangered species;

4           (b) Surface water quality, including actions to preserve  
5 lakes and streams from degradation;

6           (c) Ground water quality, including fostering best  
7 management practices as defined in section ~~46-656.07~~ 42 of this  
8 act, actions to preserve ground water from degradation, and  
9 remediation of soils or ground water; and

10          (d) Development of recycling markets and reduction of  
11 solid waste volume and toxicity.

12          (4) The board may refine and clarify these initial  
13 ~~priorities~~ categories.

14          Sec. 103. Section 84-1411, Revised Statutes Supplement,  
15 2002, is amended to read:

16          84-1411. (1) Each public body shall give reasonable  
17 advance publicized notice of the time and place of each meeting by  
18 a method designated by each public body and recorded in its  
19 minutes. Such notice shall be transmitted to all members of the  
20 public body and to the public. Such notice shall contain an agenda  
21 of subjects known at the time of the publicized notice or a  
22 statement that the agenda, which shall be kept continually current,  
23 shall be readily available for public inspection at the principal  
24 office of the public body during normal business hours. Except for  
25 items of an emergency nature, the agenda shall not be altered later  
26 than (a) twenty-four hours before the scheduled commencement of the  
27 meeting or (b) forty-eight hours before the scheduled commencement

AM2785  
LB 962  
MHF-02-24

AM2785  
LB 962  
MHF-02-24

1 of a meeting of a city council or village board scheduled outside  
2 the corporate limits of the municipality. The public body shall  
3 have the right to modify the agenda to include items of an  
4 emergency nature only at such public meeting.

5 (2) A meeting of a state agency, state board, state  
6 commission, state council, or state committee, of an advisory  
7 committee of any such state entity, of an organization created  
8 under the Interlocal Cooperation Act, the Joint Public Agency Act,  
9 or the Municipal Cooperative Financing Act, of the governing body  
10 of a public power district having a chartered territory of more  
11 than fifty counties in this state, or of the governing body of a  
12 risk management pool or its advisory committees organized in  
13 accordance with the Intergovernmental Risk Management Act may be  
14 held by means of videoconferencing or, in the case of the Judicial  
15 Resources Commission in those cases specified in section 24-1204,  
16 by telephone conference, if:

17 (a) Reasonable advance publicized notice is given;

18 (b) Reasonable arrangements are made to accommodate the  
19 public's right to attend, hear, and speak at the meeting, including  
20 seating, recordation by audio or visual recording devices, and a  
21 reasonable opportunity for input such as public comment or  
22 questions to at least the same extent as would be provided if  
23 videoconferencing or telephone conferencing was not used;

24 (c) At least one copy of all documents being considered  
25 is available to the public at each site of the videoconference or  
26 telephone conference;

27 (d) At least one member of the state entity, advisory



1 committee, or governing body is present at each site of the  
2 videoconference or telephone conference; and

3 (e) No more than one-half of the state entity's, advisory  
4 committee's, or governing body's meetings in a calendar year are  
5 held by videoconference or telephone conference.

6 Videoconferencing or telephone conferencing shall not be  
7 used to circumvent any of the public government purposes  
8 established in sections 84-1408 to 84-1414.

9 (3) (a) A meeting of the governing body of an entity  
10 formed under the Interlocal Cooperation Act or the Joint Public  
11 Agency Act or of the governing body of a risk management pool or  
12 its advisory committees organized in accordance with the  
13 Intergovernmental Risk Management Act may be held by telephone  
14 conference call if:

15 ~~(a)~~ (i) The territory represented by the member public  
16 agencies of the entity or pool covers more than one county;

17 ~~(b)~~ (ii) Reasonable advance publicized notice is given  
18 which identifies each telephone conference location at which a  
19 member of the entity's or pool's governing body will be present;

20 ~~(c)~~ (iii) All telephone conference meeting sites  
21 identified in the notice are located within public buildings used  
22 by members of the entity or pool or at a place which will  
23 accommodate the anticipated audience;

24 ~~(d)~~ (iv) Reasonable arrangements are made to accommodate  
25 the public's right to attend, hear, and speak at the meeting,  
26 including seating, recordation by audio recording devices, and a  
27 reasonable opportunity for input such as public comment or

1 questions to at least the same extent as would be provided if a  
2 telephone conference call was not used;

3 ~~(e)~~ (v) At least one copy of all documents being  
4 considered is available to the public at each site of the telephone  
5 conference call;

6 ~~(f)~~ (vi) At least one member of the governing body of the  
7 entity or pool is present at each site of the telephone conference  
8 call identified in the public notice;

9 ~~(g)~~ (vii) The telephone conference call lasts no more  
10 than one hour; and

11 ~~(h)~~ (viii) No more than one-half of the entity's or  
12 pool's meetings in a calendar year are held by telephone conference  
13 call.

14 (b) A meeting of the Nebraska Environmental Trust Board  
15 may be held by telephone conference call if:

16 (i) Reasonable advance publicized notice is given which  
17 identifies each telephone conference location at which a member of  
18 the board will be present;

19 (ii) All telephone conference meeting sites identified in  
20 the notice are located within public buildings used by members of  
21 the board or at a place which will accommodate the anticipated  
22 audience;

23 (iii) Reasonable arrangements are made to accommodate the  
24 public's right to attend, hear, and speak at the meeting, including  
25 seating, recordation by audio recording devices, and a reasonable  
26 opportunity for input such as public comment or questions to at  
27 least the same extent as would be provided if a telephone

1 conference call were not used;

2 (iv) At least one copy of all documents being considered  
3 is available to the public at each site of the telephone conference  
4 call;

5 (v) At least one member of the board is present at each  
6 site of the telephone conference call identified in the public  
7 notice;

8 (vi) The telephone conference call lasts no more than one  
9 hour; and

10 (h) No more than one-half of the board's meetings in a  
11 calendar year are held by telephone conference call.

12 (c) Nothing in this subsection shall prevent the  
13 participation of consultants, members of the press, and other  
14 nonmembers of the governing body at sites not identified in the  
15 public notice. Telephone conference calls shall not be used to  
16 circumvent any of the public government purposes established in  
17 sections 84-1408 to 84-1414.

18 (4) The secretary or other designee of each public body  
19 shall maintain a list of the news media requesting notification of  
20 meetings and shall make reasonable efforts to provide advance  
21 notification to them of the time and place of each meeting and the  
22 subjects to be discussed at that meeting.

23 (5) When it is necessary to hold an emergency meeting  
24 without reasonable advance public notice, the nature of the  
25 emergency shall be stated in the minutes and any formal action  
26 taken in such meeting shall pertain only to the emergency. Such  
27 emergency meetings may be held by means of electronic or

AM2785  
LB 962  
MHF-02-24

AM2785  
LB 962  
MHF-02-24

1 telecommunication equipment. The provisions of subsection (4) of  
2 this section shall be complied with in conducting emergency  
3 meetings. Complete minutes of such emergency meetings specifying  
4 the nature of the emergency and any formal action taken at the  
5 meeting shall be made available to the public by no later than the  
6 end of the next regular business day.

7 (6) A public body may allow a member of the public or any  
8 other witness other than a member of the public body to appear  
9 before the public body by means of video or telecommunications  
10 equipment.".

11 2. Amend the repealer, renumber the remaining sections,  
12 and correct internal references accordingly.